

ශ්‍රී ලංකා විවෘත විශ්ව විද්‍යාලය

මානව ශාස්ත්‍ර හා සමාජ විද්‍යා පීඨය

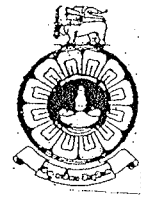
නීති අධ්‍යයන දෙපාර්තමේන්තුව

නීතිවේදී උපාධි පාඨමාලාව - තුන්වන මට්ටම

අවසාන පරීක්ෂණය 2022/2023

LLU3703 ශ්‍රී ලංකාවේ නීතිය පිළිබඳ හැඳින්වීමක්

කාලය - පැය තුනයි



දිනය - 30-03-2024

වේලාව - පෙ.ව 9.30-ප.ව 12.30

මුලු ප්‍රශ්න සංඛ්‍යාව - 08

ප්‍රශ්න 05 කට පමණක් පිළිතුරු සපයන්න.

අපැහැදිලි අත් අකුරු සඳහා ලකුණු අඩු කරනු ලැබේ.

1. 'ලන්දේසින් විසින් ලංකාවේ සංස්කෘතියට කරන ලද ඉතා වැදගත් සම්ප්‍රදායන් දෙකක් වන්නේ රෝම ලන්දේසි නීතිය මත පදනම් වූ අපගේ බොහොමයක් වූ ව්‍යවස්ථාවන්, අණ පනත් සහ ඔවුන්ගේ දිවයිනේ පරිපාලනය පිළිබඳ වාර්තාවලින් යුක්ත වෙලුම් 700 වූ පැරණි අත්පිටපත්ය'.

R.L. Brohier, Links between Sri Lanka and the Netherlands, a Book of Dutch Ceylon, (Colombo, 1978) 157

ඉහත ප්‍රකාශය ඇසුරින් රෝම ලන්දේසි නීතිය ශ්‍රී ලංකාවට හඳුන්වා දුන් ආකාරය සහ එය රටේ පොදු නීතියේ අනිවාර්ය අංගයක් ලෙස සැලකීම ආරම්භ වූ ආකාරය සාකච්ඡා කරන්න.

(ලකුණු 20)

2. 'ඉංග්‍රීසි, පරිපාලනයේ භාෂාව ව්‍යවස්ථාවන්හි හා එසේ පුහුණු වූ අනෙකුත් අයගේ භාෂාව බවට පත්වී ඇති අතර විනිශ්චයන්, සෛෂ්‍ය ආකාරයේ ප්‍රායෝගිකව භාවිතා කරන ලියවිලි සහ ඉංග්‍රීසි ආකෘති අනුගමනය කරන ලද ව්‍යවස්ථාවන්හි භාෂාව බවට පත්ව ඇත. බ්‍රිතාන්‍ය පාලනයේ සියවසක් අවසානයේ දී ලංකාවේ නීති පද්ධතියට ඉංග්‍රීසි නීතිය සැලකිය යුතු ඇතුළත් වීමක් සිදුවිය'.

T. Nadarajah, The Legal System of Ceylon in its historical setting (E.J. Brill, Leiden, Netherlands, 1972) 229-230

ඉහත ප්‍රකාශය අනුව ශ්‍රී ලංකාවට ඉංග්‍රීසි නීතිය හඳුන්වා දීමේ ක්‍රම කීපයක් තිබේ. අදාළ උදාහරණ සපයමින් එවැනි එක් ක්‍රමයක් විශ්ලේෂණය කරන්න.

(ලකුණු 20)

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 BACHELOR OF LAWS DEGREE PROGRAMME - LEVEL 3
 FINAL EXAMINATION- 2022/23
 LLU3703 INTRODUCTION TO THE LAWS OF SRI LANKA



Date: 30.03.2024

Duration: 09.30 am-.12.30 pm

Total number of questions: 08

Answer Five (05) questions only.

Candidates will be penalized for illegible handwriting.

01. 'Two of the most important and valuable introductions of the Dutch to the culture of Ceylon are the Roman-Dutch Law which is the basis of most of our legislative enactments and the 700 old manuscripts volumes of the record of their administration of the Island.'

R.L Brohier, Links between Sri Lanka and the Netherlands, A Book of Dutch Ceylon, (Colombo 1978) 157.

In light of the above statement discuss how Roman-Dutch law was introduced into Sri Lanka and how it started to be considered as an integral part of common law of the country.

(20 Marks)

02. 'English had become the language of administration, of legislation and others so trained, followed English models in statutes, in judgments and in the forms of documents used in practice... By the end of a century of British rule, there had been a substantial infiltration of English law into the legal system of Ceylon.'

T.Nadaraja, The Legal System on Ceylon in its Historical Setting (E.J Brill, Leiden, Netherlands, 1972) 229-230.

According to the above statement, there are several methods of introducing English law into Sri Lanka. Analyse one such method by providing relevant examples.

(20 Marks)

03. Assume that you have been appointed as a member representing Sri Lanka in a committee appointed to compile a report on the special laws in South Asia. You are requested to gather information and prepare a report focusing on the following aspects.
- a) History of Kandyan law

3. දකුණු ආසියාවේ විශේෂ නීති පිළිබඳව වාර්තාවක් සම්පාදනය කිරීමට පත් කළ කමිටුවක ශ්‍රී ලංකාව නියෝජනය කරමින් ඔබ සාමාජිකයෙක් ලෙස පත් කර ඇතැයි උපකල්පනය කරන්න. පහත සඳහන් කරුණු කෙරෙහි අවධානය යොමු කරමින් තොරතුරු රැස් කර වාර්තාවක් සකස් කරන ලෙසට ඔබගෙන් ඉල්ලා සිටී.

- (අ) උඩරට නීතියේ ඉතිහාසය
- (ආ) උඩරට නීතියේ ස්වභාවය
- (ඇ) උඩරට නීතියේ අදාලත්වය
- (ඈ) උඩරට නීතියේ සමකාලීන වර්ධනය

වාර්තාව සකස් කරන්න.

(ලකුණු $5 \times 4 = 20$)

4. සරවනන් 1975 දී උපත ලැබූ අතර ඔහුගේ දෙමාපියන් යාපනයේ දෙමළ ජාතිකයන් විය. යාපනයේ ජාතික හින්දු විද්‍යාලයෙන් ප්‍රාථමික අධ්‍යාපනය ලැබූ ඔහු ද්විතීක අධ්‍යාපනය සඳහා මහනුවර ත්‍රිත්ව විද්‍යාලයට ඇතුළත් විය. පාසල් අධ්‍යාපනයෙන් පසු ජේරාදෙණිය විශ්ව විද්‍යාලයට ඇතුළත් වූ ඔහු උසස් අධ්‍යාපනය සම්පූර්ණ කළේය. ඉන්පසු එම විශ්ව විද්‍යාලයේම ආචාර්ය මණ්ඩලයට සහකාර කලීකාචාර්යවරයෙක් ලෙස එක්විය. 2003 දී සරවනන් එම විශ්ව විද්‍යාලයේම කාර්ය මණ්ඩල සාමාජිකාවක් වූ ජනනි සමග විවාහ විය. ඇය හැටන් ප්‍රදේශයේ උපන් කාන්තාවක වූ අතර ඇගේ දෙමාපියන් ඉන්දීය දෙමළ ජාතිකයන් වූහ. විවාහයෙන් පසු ඔවුන් පදිංචිව සිටියේ ගලහ ප්‍රදේශයේ කුලී නිවෙසකය. ඔවුන්ට සාලිනී සහ මෝහන් නමින් දරුවන් දෙදෙනෙක් සිටියහ. 2010 වසරේ දී සරවනන් තම දෙමාපියන්ගෙන් ලැබුණු යාපනයේ ඉඩමක් විකුණා ගම්පොළ ප්‍රදේශයේ නව නිවසක් තනා ගත්තේය. එපමණක් නොව ඔහු තවත් නිවසක් ඉදිකිරීමට අදහස් කරමින් ජේරාදෙණියේ තවත් ඉඩමක් මිල දී ගත්තේය. සරවනන් මාස තුනකට වරක් තම දෙමාපියන් බැලීමට යාපනයට ගියේය. 2023 දී සරවනන් විශ්ව විද්‍යාලයට යමින් සිටියදී කඩුගන්නාවේ දී සිදු වූ රිය අනතුරකින් හදිසියේ මරණයට පත්විය.

සරවනන් පාලනය වන්නේ තේසවලලෙම නීතියෙන් ද, සාමාන්‍ය නීතියෙන් ද යන්න පිළිබඳව ජනනි ඔබගෙන් උපදෙස් පතයි. ජනනිට උපදෙස් දෙන්න. විනිශ්චිත නඩු තීරණ මගින් ඔබගේ පිළිතුර සනාථ කරන්න.

(ලකුණු 20)

5. පහත සඳහන් එක් එක් අවස්ථා සාකච්ඡා කොට අදාළ නඩු නීතිය ආශ්‍රයෙන් නීතිමය හේතු පැහැදිලි කරන්න.

(අ) අබ්දුල් මුස්ලිම් ජාතිකයෙකි. ඔහු ශානිමා සමග විවාහ වී සිටියේය. සුමාලි නම් සිංහල කාන්තාවක් සමග ඔහු සාමාන්‍ය නීතිය යටතේ දෙවැනි විවාහ කරන්නේය.

(ආ) කමල් සාමාන්‍ය නීතිය යටතේ සමන්ති සමග විවාහ වූ සිංහල පුද්ගලයෙකි. ඔහු සමන්ති සමග විවාහ වී සිටින අතරතුර තමා විසින්ම මුස්ලිම් ආගම වැලඳ ගැනීමෙන් පසුව සිංහල කතෝලික කාන්තාවක වන ක්‍රිස්ටිනා සමග දෙවන විවාහයක් කරගන්නේය.

- b) Nature of Kandyan law
- c) The application of Kandyan law
- d) Contemporary developments of Kandyan law.

Prepare the report.

(5 x 4 = 20 Marks)

04. Saravanan was born in 1975 and his parents were Jaffna Tamils. He had his primary school education at National Hindu College Jaffna and then entered Trinity College, Kandy for secondary education. After his school education, he entered the University of Peradeniya and completed his higher education. Then he joined the staff of the same university as an assistant lecturer. In 2003, Saravanan married Janani who was also a staff member in the same university. She was a native of Hatton and her parents were Indian Tamils. After marriage, they lived in a rented house in Galaha. They had two children named Salini and Mohan. In 2010, Saravanan sold a land in Jaffna inherited from his parents and built a new house in Gampola. Moreover, in 2020 he bought another piece of land in Peradeniya intending to build another house. Saravanan used to visit Jaffna to see his parents once in three months. In 2023, Saravanan suddenly died in a motor accident in Kadugannawa while he was driving to the university.

Janani seeks your advice on whether Saravanan is governed by Tesawalamai law or general law. Advise Janani. Support your arguments with decided cases.

(Marks 20)

05. Discuss each of the following situations and provide legal reasoning with the relevant case law examples.
- (a) Abdul is a Muslim, married to Fathima. He contracted a second marriage with a Sinhala woman called Sumali under general law.
 - (b) Kamal is a Sinhala man married to Samanthi under general law. While he is married to Samanthi, he contracted a second marriage with Christina, a Sinhala Catholic woman, by converting to Muslim by himself.
 - (c) Riswan, a Muslim man disposed of his property to Kadeeja by a last will.
 - (d) Samad is a 17-year-old Muslim student. His father Latheef refused to provide his educational needs.

(5 x 4 = 20 Marks)

06. 'The application of distinct legal systems with different legal values has created challenges in achieving legal uniformity in Sri Lanka.'

Examine the validity of the above statement by providing suitable examples for the issues created as a result of the plural legal system of Sri Lanka while suggesting possible reforms to minimize such issues.

(20 Marks)

(ඇ) මුස්ලිම් ජාතිකයෙක් වන රිස්වාන් ඔහුගේ දේපොල අන්තිම කැමති පත්‍රයකින් කදිජාව බැහැර කළේය.

(ඈ) සමාධි 17 හැවිරිදි මුස්ලිම් ශිෂ්‍යයෙකි. ඔහුගේ අධ්‍යාපන අවශ්‍යතා සැපයීම ඔහුගේ පියා ලතින් ප්‍රතික්ෂේප කළේය.

(ලකුණු 5×4= 20)

6. 'විවිධ නෛතික වටිනාකම් සහිත විවිධ නීති ක්‍රමයන්හි අදාලත්වය ශ්‍රී ලංකාව තුළ නෛතික ඒකීයත්වය ලගා කරගැනීමේ අභියෝග නිර්මාණය කර ඇත.'

ශ්‍රී ලංකාව බහුවිධ නීති පද්ධතියේ ප්‍රතිඵලයක් ලෙස නිර්මාණය වී ඇති ගැටලු සඳහා සුදුසු උදාහරණ සපයමින් ඉහත ප්‍රකාශයේ චලංගුභාවය පරීක්ෂා කරන අතර එවැනි ගැටලු අවම කරගැනීම සඳහා කළ හැකි ප්‍රතිසංස්කරණ යෝජනා කරන්න.

(ලකුණු 20)

7. ශ්‍රී ලංකාවේ පූර්ව යටත් විජිත යුගයේ යුක්තිය පසිඳලීම සම්බන්ධව පහත සඳහන් අධිකරණ නිලධාරීන්ගේ සහ අධිකරණ විනිශ්චය සභාවල ක්‍රියාකාරිත්වය පැහැදිලි කරන්න.

(අ) රජු

(ආ) අධිකාරම්වරු

(ඇ) මහ නඩුව (The great court)

(ඈ) ගම් සභා

(ලකුණු 5×4= 20)

8. (අ) ශ්‍රී ලංකාවේ 1972 සහ 1978 ආණ්ඩු ක්‍රම ව්‍යවස්ථා යටතේ යුක්තිය පසිඳලීමේ ක්‍රමයෙහි සිදු වී ඇති වෙනස්කම් සාකච්ඡා කරන්න.

(ආ) 1978 ආණ්ඩු ක්‍රම ව්‍යවස්ථාව යටතේ එක් එක් අධිකරණ වෙත පැවරී ඇති බලතල විස්තර කරන්න.

(ලකුණු 10×2=20)

හිමිකම් ඇවිරිණි

07. Explain the duties of the following judicial officials and judicial tribunals in terms of the administration of justice in the pre-colonial period in Sri Lanka.

- (a) The King
- (b) Adhikaramvaru
- (c) The Maha Naduwa (The Great Court)
- (d) Gamsabha

(5 x 4 = 20 Marks)

08. (a). Discuss the changes that have taken place in the administrative justice system under the 1972 and 1978 Constitutions in Sri Lanka.

(b). Describe the power vested in each court under the 1978 Constitution.

(10 x 2 = 20 Marks)

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இலங்கை திறந்த பல்கலைக்கழகம்

மானுடவியல் மற்றும் சமூகவிஞ்ஞானங்கள் பீடம்

சட்டக்கற்கைகள் திணைக்களம்

சட்டமாணி பட்டப்படிப்பு நிகழ்ச்சித் திட்டம் - மட்டம் - 03

LLU3703- இலங்கைச் சட்டங்களுக்கான அறிமுகம்

இறுதிப் பரீட்சை 2022 / 2023

காலம் : மூன்று (03) மணித்தியாலங்கள்

திகதி : 30 மார்ச் 2024

நேரம்: பி.ப.01.30 - பி.ப.04.30

மொத்த வினாக்களின் எண்ணிக்கை - 08

ஐந்து (05) வினாக்களுக்கு மட்டும் விடை தருக.

தெளிவற்ற கையெழுத்துக்களுக்கு புள்ளிகள் குறைக்கப்படும்.

- 1) “இலங்கை கலாசாரத்திற்கு, டச்சு ஆட்சியாளர்களால் அறிமுகப்படுத்தப்பட்ட இரண்டு மிக முக்கியமானதும் பெறுமதிவாய்ந்ததுமான விடயங்களாவன, எமது பெரும்பாலான சட்டவாக்கங்களுக்கு முக்கிய அப்படையான உரோமன் டச்சு சட்டமும், இத்தீவினை நிர்வாகம் செய்வதற்கான அவர்களுடைய 700 பழமைவாய்ந்த கையெழுத்துப் பிரதிகளின் தொகுதிகளும் ஆகும்”.

R.L Brofier, Links between Sri Lanka and the Netherlands, A Book of Dutch Ceylon, (Colombo 1978) 157.

மேலே தரப்பட்ட கூற்றின் பின்னணியில் உரோமன் டச்சுச் சட்டம் எவ்வாறு இலங்கையில் அறிமுகப்படுத்தப்பட்டது என்பதையும், நாட்டின் பொதுச்சட்டத்திற்குள் உரோமன் டச்சுச் சட்டம் ஒருங்கிணைந்த பகுதி ஒன்றாக எவ்வாறு கருத்தில் எடுக்க ஆரம்பிக்கப்பட்டது என்பதையும் ஆராய்க.

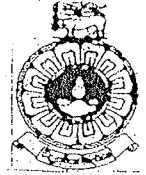
(20 புள்ளிகள்)

- 2) “ஆங்கிலம் நிர்வாக, சட்டவாக்க மொழியாக மாறியதுடன் அதற்காக பயிற்சி பெற்ற ஏனையவர்கள் நியதிச்சட்டங்கள், நீதிமன்ற தீர்ப்புகள் மற்றும் நடைமுறைப்படுத்தப்பட்ட ஏனைய வடிவங்களிலான ஆவணங்களில் ஆங்கில மாதிரிகளை பின்பற்றினர்... பரித்தானிய ஆட்சியின் இறுதி நூற்றாண்டில் சிலோனூடைய சட்டமுறைமைக்குள் ஆங்கிலச்சட்டம் கணிசமான அளவில் ஊடுருவலைப் பெற்றது”.

T.Nadaraja, The Legal System on Ceylon in its Historical Setting (E.J Brill, Leiden, Netherlands, 1972) 229 – 230.

மேற்கூறப்பட்ட கூற்றிற்குமைய இலங்கையில் பல வழிமுறைகளின் மூலம் ஆங்கிலச்சட்டம் அறிமுகப்படுத்தப்பட்டது.

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 BACHELOR OF LAWS DEGREE PROGRAMME - LEVEL 3
 FINAL EXAMINATION- 2022/23
 LLU3703 INTRODUCTION TO THE LAWS OF SRI LANKA



Date: 30.03.2024

Duration: 09.30 am-12.30 pm

Total number of questions: 08

Answer Five (05) questions only.

Candidates will be penalized for illegible handwriting.

01. 'Two of the most important and valuable introductions of the Dutch to the culture of Ceylon are the Roman-Dutch Law which is the basis of most of our legislative enactments and the 700 old manuscripts volumes of the record of their administration of the Island.'

R.L Brohier, Links between Sri Lanka and the Netherlands, A Book of Dutch Ceylon, (Colombo 1978) 157.

In light of the above statement discuss how Roman-Dutch law was introduced into Sri Lanka and how it started to be considered as an integral part of common law of the country.

(20 Marks)

02. 'English had become the language of administration, of legislation and others so trained, followed English models in statutes, in judgments and in the forms of documents used in practice...By the end of a century of British rule, there had been a substantial infiltration of English law into the legal system of Ceylon.'

T.Nadaraja, The Legal System on Ceylon in its Historical Setting (E.J Brill, Leiden, Netherlands, 1972) 229-230.

According to the above statement, there are several methods of introducing English law into Sri Lanka. Analyse one such method by providing relevant examples.

(20 Marks)

03. Assume that you have been appointed as a member representing Sri Lanka in a committee appointed to compile a report on the special laws in South Asia. You are requested to gather information and prepare a report focusing on the following aspects.

a) History of Kandyan law

பொருத்தமான உதாரணங்களை வழங்கி அத்தகைய ஒரு வழிமுறையை குறிப்பிட்டு அதனைப் பகுப்பாய்வு செய்க.

(20 புள்ளிகள்)

- 3) தெற்காசியாவில் உள்ள விசேட சட்டங்களின் அறிக்கை ஒன்றை தொகுப்பதற்கு அமைக்கப்பட்ட குழுவில் இலங்கையை பிரதிநிதித்துவப்படுத்தும் உறுப்பினர் ஒருவராக உம்மை நியமித்துள்ளதாகக் கருதுக. தேவையான தகவல்களைச் சேகரித்து கீழே தரப்பட்ட அம்சங்களிற்கு அவதானம் வழங்கி அறிக்கை ஒன்றை தயாரிக்குமாறு நீர் தேவைப்படுத்தப்பட்டுள்ளீர்.

அ) கண்டிய சட்டத்தின் வரலாறு

ஆ) கண்டிய சட்டத்தின் இயல்பு

இ) கண்டிய சட்டத்தின் பிரயோகம்

ஈ) கண்டிய சட்டத்தின் சமகால அபிவிருத்திகள்

(05x04 = 20 புள்ளிகள்)

அறிக்கையை தயாரிக்குக.

- 4) சரவணன் 1975 ஆம் ஆண்டு பிறந்தான். அவனுடைய பெற்றோர் யாழ்ப்பாணத் தமிழர்கள் ஆவர். அவன் தனது ஆரம்பக் கல்வியை யாழ்ப்பாணம் தேசிய இந்துக்கல்லூரியில் பூர்த்தி செய்ததுடன் இரண்டாந்தரக் கல்விக்காக கண்டித் திரித்துவக் கல்லூரியில் சேர்ந்தான். பாடசாலைக் கல்வியின் பின்பு, அவன் பேராதனைப் பல்கலைக்கழகத்திற்குச் சென்று உயர்கல்வியைப் பூர்த்தி செய்தான். அதனைத் தொடர்ந்து அதே பல்கலைக்கழகத்தில் உதவி விரிவுரையாளராக இணைந்து கொண்டான். அவன் 2003 இல், அதே பல்கலைக்கழகத்தில் பணிபுரிந்த ஜனனி என்பவளை திருமணம் செய்தான். அவளுடைய பெற்றோர் ஹட்டன் பிரதேசத்தை பூர்வீகமாகக் கொண்டதுடன் அவர்கள் இந்தியத் தமிழர்கள் ஆவர். திருமணத்தின் பின்பு அவர்கள் இருவரும் கலகாவில் வாடகை வீட்டொன்றில் வசித்தனர். அவர்களுக்கு சாலினி மற்றும் மோகன் ஆகிய பெயரைக்கொண்ட இரண்டு பிள்ளைகள் இருந்தனர். 2010 இல், சரவணன் தனது பெற்றோரிடமிருந்து வழியுரிமையாகப் பெற்ற யாழ்ப்பாணத்தில் இருந்த காணி ஒன்றை விற்பதுடன், கம்பளையில் புதிய வீட்டொன்றைக் கட்டினான். மேலும் 2020 இல், இன்னுமொரு வீட்டைக் கட்டுவதற்காக பேராதனையில் காணித்துண்டொன்றை கொள்வனவு செய்தான். சரவணன் தனது பெற்றோரைப் பார்ப்பதற்காக மூன்று மாதங்களிற்கு ஒரு முறை யாழ்ப்பாணம் சென்று வருவது வழக்கமாக இருந்தது. 2023 இல், சரவணன் பல்கலைக்கழகத்திற்கு வாகனத்தைச் செலுத்திக் கொண்டிருக்கும் போது கடுகண்ணாவையில் வாகன விபத்தொன்றைச் சந்தித்து சடுதியாக இறந்தான்.

சரவணன் தேசவழமைச் சட்டத்தின் கீழா, பொதுச்சட்டத்தின் கீழா ஆளப்படுவான், என்பது தொடர்பில் ஜனனி உமது அறிவுரையை நாடுகிறாள். ஜனனிக்கு அறிவுரை வழங்குக.

உமது வாதங்களை தீர்க்கப்பட்ட வழக்குகளுடன் ஆதாரப்படுத்துக.

(20 புள்ளிகள்)

- b) Nature of Kandyan law
- c) The application of Kandyan law
- d) Contemporary developments of Kandyan law.

Prepare the report.

(5 x 4 = 20 Marks)

04. Saravanan was born in 1975 and his parents were Jaffna Tamils. He had his primary school education at National Hindu College Jaffna and then entered Trinity College, Kandy for secondary education. After his school education, he entered the University of Peradeniya and completed his higher education. Then he joined the staff of the same university as an assistant lecturer. In 2003, Saravanan married Janani who was also a staff member in the same university. She was a native of Hatton and her parents were Indian Tamils. After marriage, they lived in a rented house in Galaha. They had two children named Salini and Mohan. In 2010, Saravanan sold a land in Jaffna inherited from his parents and built a new house in Gampola. Moreover, in 2020 he bought another piece of land in Peradeniya intending to build another house. Saravanan used to visit Jaffna to see his parents once in three months. In 2023, Saravanan suddenly died in a motor accident in Kadugannawa while he was driving to the university.

Janani seeks your advice on whether Saravanan is governed by Tesawalamai law or general law. Advise Janani. Support your arguments with decided cases.

(Marks 20)

05. Discuss each of the following situations and provide legal reasoning with the relevant case law examples.
- (a) Abdul is a Muslim, married to Fathima. He contracted a second marriage with a Sinhala woman called Sumali under general law.
 - (b) Kamal is a Sinhala man married to Samanthi under general law. While he is married to Samanthi, he contracted a second marriage with Christina, a Sinhala Catholic woman, by converting to Muslim by himself.
 - (c) Riswan, a Muslim man disposed of his property to Kadeeja by a last will.
 - (d) Samad is a 17-year-old Muslim student. His father Latheef refused to provide his educational needs.

(5 x 4 = 20 Marks)

06. 'The application of distinct legal systems with different legal values has created challenges in achieving legal uniformity in Sri Lanka.'

Examine the validity of the above statement by providing suitable examples for the issues created as a result of the plural legal system of Sri Lanka while suggesting possible reforms to minimize such issues.

(20 Marks)

- 5) கீழே தரப்பட்டுள்ள ஒவ்வொரு சூழ்நிலையையும் ஆராய்ந்து பொருத்தமான தீர்ப்புச்சட்ட உதாரணங்களுடன் சட்ட ரீதியான தர்க்கத்தை தருக.
- அ) முஸ்லீம் மதத்தைச் சார்ந்த அப்துல் என்பவர் பாத்திமாவைத் திருமணம் செய்தார். அவர் பொதுச்சட்டத்தின் கீழ் சுமாலி என்ற சிங்களப்பெண்ணை இரண்டாவது திருமணம் செய்தார்.
- ஆ) சிங்களவரான கமல் என்பவர் பொதுச்சட்டத்தின்கீழ் சமந்தி என்பளை திருமணம் செய்தார். சமந்தியோடு திருமண உறவில் இருக்கும்போது முஸ்லீம் மதத்தை தழுவி கிறிஸ்ரினா என்ற சிங்கள கத்தோலிக்க பெண்ணை இரண்டாவது திருமணம் செய்தார்.
- இ) ரிஸ்வான் என்ற முஸ்லீம் நபர் அவருடைய ஆதனத்தை இறுதி விருப்பாவணம் ஒன்றின் மூலம் கதீஜாவிற்கு கையளித்தார்.
- ஈ) சமட் என்பவர் 17 வயது நிரம்பிய முஸ்லீம் மாணவர் ஆவார். அவருடைய தந்தையான லத்தீப் என்பவர் சமட்டுக்குரிய கல்வித் தேவையை பூர்த்தி செய்ய மறுக்கிறார்.

(05x04 = 20 புள்ளிகள்)

- 6) “இலங்கையில் சட்ட ஒரு சீர்தன்மையை அடைவதில் வெவ்வேறுபட்ட சட்ட முறைமைகளை வேறுபட்ட சட்டப் பெறுமதிகளுடன் பிரயோகிப்பதானது சவால்களை உருவாக்கி உள்ளது”.

இலங்கையில் பன்மைத்துவ சட்டமுறைமை காரணமாக உருவாகியுள்ள பிரச்சினைகளுக்குரிய பொருத்தமான உதாரணங்களை வழங்கி மேலே தரப்பட்ட கூற்றின் வலிதுடைமையை பரீட்சித்து அத்தகைய பிரச்சினைகளை குறைப்பதற்குரிய சாத்தியமான சீர்திருத்தங்களை பரிந்துரை செய்க.

(20 புள்ளிகள்)

- 7) இலங்கையில் காலணித்துவ ஆட்சிக்கு முன்னரான காலப்பகுதியில் நீதி நிர்வாகத்தில் பின்வரும் நீதிமுறை அலுவலர்கள் மற்றும் நீதிமுறை அதிகார நியாயசபைகளுக்கு இருந்த கடமைகளை விளக்குக.

அ) அரசன்

ஆ) அதிகாரகம்வரு (Adhikaramvaru)

இ) மகாசபை (The Maha Naduwa)

ஈ) கிராம சபைகள் (Gamsabha)

(05x04 = 20 புள்ளிகள்)

- 8) அ) இலங்கையின் 1972ஆம் மற்றும் 1978ஆம் ஆண்டுகளின் அரசியலமைப்புகளின் கீழ் நிர்வாக நீதிமுறைமையில் ஏற்பட்ட மாற்றங்களை ஆராய்க.
- ஆ) 1978 ஆம் ஆண்டின் அரசியல் அமைப்பின் கீழ் ஒவ்வொரு நீதிமன்றத்திற்கும் அளிக்கப்பட்டுள்ள அதிகாரத்தை விபரிக்க.

(10x02 = 20 புள்ளிகள்)

-முழுப்பதிப்புரிமையுடையது -

07. Explain the duties of the following judicial officials and judicial tribunals in terms of the administration of justice in the pre-colonial period in Sri Lanka.

- (a) The King
- (b) Adhikaramvaru
- (c) The Maha Naduwa (The Great Court)
- (d) Gamsabha

(5 x 4 = 20 Marks)

08. (a). Discuss the changes that have taken place in the administrative justice system under the 1972 and 1978 Constitutions in Sri Lanka.

(b). Describe the power vested in each court under the 1978 Constitution.

(10 x 2 = 20 Marks)

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